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2 **UNITED STATES DISTRICT COURT**
3 **DISTRICT OF NEVADA**
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5 YASIR MEHMOOD,
6 Petitioner,
7 vs.
8 EDMUND F. BRENNAN, *et al.*,
9 Respondents.

Case No. 2:15-cv-01594-GMN-CWH

ORDER

10 This action is a *pro se* petition for a writ of habeas corpus. The matter has not been properly
11 commenced because petitioner submitted incomplete financial paperwork. Pursuant to 28 U.S.C. §
12 1915(a)(2) and Local Rule LSR 1-2, petitioner must attach both an inmate account statement for the
13 past six months and a properly executed financial certificate. Petitioner in the instant action has
14 failed to submit an *in forma pauperis* application that provides the necessary financial information.
15 Petitioner failed to submit a financial certificate signed by an authorized prison or jail officer.
16 Additionally, the petition was not submitted on the Court's approved form. The Local Rules of
17 Court require petitioners appearing in *pro se* to file their petitions on the Court's approved form.
18 Local Rules of Special Proceedings 3-1 ("a petition for a writ of *habeas corpus*, filed by a person
19 who is not represented by an attorney, shall be on the form provided by this court."). The Court will
20 provide petitioner with the approved form for filing a *pro se* petition for a writ of habeas corpus.

21 Due to the defects presented, the pauper application will be denied, and the present action
22 will be dismissed without prejudice to the filing of a new petition in a new action with a pauper
23 application with all required attachments. It does not appear from the papers presented that a
24 dismissal without prejudice would result in a promptly-filed new petition being untimely. In this
25 regard, petitioner at all times remains responsible for calculating the running of the federal
26 limitation period as applied to his case, properly commencing a timely-filed federal habeas action,
27 and properly exhausting his claims in the state courts.

28 **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis* (ECF

1 No. 1) is **DENIED** and that this action is **DISMISSED WITHOUT PREJUDICE** to the filing of a
2 new petition in a new action with a properly completed pauper application with all new and
3 complete financial attachments.

4 **IT IS FURTHER ORDERED** that all pending motions are **DENIED** without prejudice.

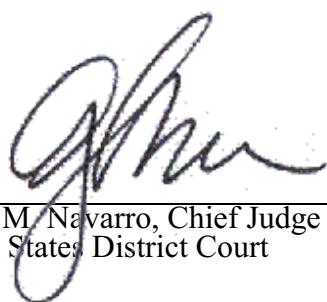
5 **IT IS FURTHER ORDERED** that the Clerk of Court shall send petitioner two copies each
6 of an application form to proceed *in forma pauperis* for incarcerated persons and a noncapital
7 Section 2254 habeas petition form, one copy of the instructions for each form, and a copy of the
8 papers that he submitted in this action.

9 **IT IS FURTHER ORDERED** that petitioner may file a new petition and *in forma pauperis*
10 application in a new action, but he may not file further documents in this action.

11 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly.

12 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**. Reasonable
13 jurists would not find the dismissal of the improperly-commenced action without prejudice to be
14 debatable or wrong.

15 **DATED** this 21st day of August, 2015.



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18 Gloria M. Navarro, Chief Judge
19 United States District Court
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